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SUPREME COURT, U. S.

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

No. 594

PHILIP RASTELLI,

Petitioner,

—against—

THE PEOPLE OF THE STATE OF NEW YORK,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT

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It was a violation of due process of law and petitioner's Fifth Amendment privilege to punish him for contempt in refusing to answer before a Kings County Grand Jury the same questions which he had already refused to answer before a Nassau County Grand Jury and for which he had already been punished by a jail sentence by reason of such refusal	9

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It was a deprivation of petitioner's constitutional right to the assistance of counsel to refuse petitioner's request to have his counsel physically present with him in the Grand Jury Room during his interrogation by the Grand Jury 13

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To the Honorable the Chief Justice and the Associate Justices of the Supreme Court of the United States:

Petitioner prays that a writ of certiorari issue to review the judgment of the Appellate Division, entered in the above entitled case on June 15, 1970.

A. Opinions Below

There were no opinions rendered by any of the Courts of the State of New York in connection with the proceedings in this case.